

HIGHLIGHTS FROM SENATE FOREIGN
RELATIONS COMMITTEE HEARINGS ON THE NPT
JULY, 1968

Following is a summary of the major issues raised and positions taken during the Senate Foreign Relations Committee hearings on the NPT. Page references are to the printed Hearings (attached). Further elaboration of these and other issues can be found at Tabs

I. The U.N. Security Assurances Resolution - A new commitment?

A. See Tab C or p. 263-265 for text of U.N. Security Council Resolution and U.S. Declaration.

B. Senators Sparkman and Case expressed concern that the Security Assurances Resolution not commit the U.S. to any responsibilities other than those already assumed under the U.N. Charter. The Senators wished to make certain that Senate approval of the NPT might not later be seen as Senate approval of increased U.S. security commitments (cf. Tonkin Resolution).

C. Secretary Rusk made clear that the Security Assurances Resolution did not contain any new U.S. commitments (p. 15, 17 and 45), that the U.S. would remain free to use its veto power in the Security Council (p. 16) and that Senate approval of the treaty would not amount to giving new authority to the President to take military action (p. 41).

D. Deputy Secretary of Defense Nitze also stated that the Resolution did not increase our security commitments (p. 56), as did Mr. Foster (p. 8-9).

II. Did U.S. plan to make any new commitments to induce countries to adhere to NPT?

A. Senator Case asked Secretary Rusk whether any kind of commitments beyond those already existing were planned in order to induce countries to adhere to the treaty (p. 47). Secretary Rusk replied that the U.S. was not intending to add

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any commitments "beyond those which we are already involved in: the treaties which the Senate has approved." (p. 48)

III. Position of DOD and JCS on NPT.

A. Following the presentation of prepared statements by Deputy Secretary Nitze and General Wheeler, Senator Sparkman asked (p. 58):

"Senator Sparkman: . . . Now, the purport of both your papers is one of, shall I say, complete support of this treaty; is that correct?

"Mr. Nitze: That is correct, Mr. Chairman.

"General Wheeler: That is correct, Mr. Chairman."

B. General Wheeler in addition made the following comments:

1. "In summary, the Joint Chiefs of Staff are in agreement with the expressed objectives of this treaty and support ratification of the treaty as not inimical to U.S. security interests." (p. 57)

2. ". . . I do not believe that the proliferation of nuclear weapons would do other than increase world tensions.... Therefore, in the long term, I believe that this treaty, if followed out, if adhered to, by the majority of the nations of the world, will serve to create a better atmosphere in Europe and elsewhere which will serve the interests of all countries." (p. 61-62)

IV. Consistency of NPT with interests of NATO Alliance.

A. Secretary Rusk in his prepared statement (p. 5-6) spoke of the fact that "the United States allayed some of the concerns of our NATO allies about the treaty by giving them the following answers to questions they had posed:

"The treaty deals only with what is prohibited, not with what is permitted. It prohibits transfer to any recipient

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whatsoever of nuclear weapons or control over them, meaning bombs and warheads. It also prohibits the transfer of other nuclear explosive devices, because a nuclear explosive device intended for peaceful purposes can be used as a weapon or can be easily adapted for such use. It does not deal with, and therefore does not prohibit, transfer of nuclear delivery vehicles or delivery systems, or control over them to any recipient, so long as such transfer does not involve bombs or warheads. It does not deal with allied consultations and planning on nuclear defense so long as no transfer of nuclear weapons or control over them results. It does not deal with arrangements for deployment of nuclear weapons within allied territory as these do not involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the treaty would no longer be controlling. And, it does not deal with the problem of European unity, and would not bar succession by a new federated European state to the nuclear status of one of its former components. A new federated European state would have to control all of its external security functions, including defense and all foreign policy matters relating to external security, but would not have to be so centralized as to assume all governmental functions. While not dealing with succession by such a federated state, the treaty would bar transfer of nuclear weapons (including ownership) or control over them to any recipient, including a multi-lateral entity.

Secretary Rusk explored the meaning of "decision. . . to go to war" on p. 27-28.

B. Deputy Secretary Nitze made the following comment in his statement (p. 55-56):

"All of us in the Defense Department were concerned with the difficulties encountered in negotiating an effective treaty while, at the same time, assuring that it would not adversely affect our ability to meet our current mutual defense obligations. The treaty you are now considering meets this criterion. . . ."

C. General Wheeler in his prepared testimony said (p. 57):

"First, we believe that any international agreement on the control of nuclear weapons must not operate to the disadvantage of the United States and our allies. Secondly, it must not disrupt any existing defense alliances in which the United States is pledged to assist in protecting the political independence and territorial integrity of other nations. These principles have been observed."

D. Congressman Findley in his testimony stated that "this treaty, if it is approved by the Senate without modification or reservation, will have the effect of seriously weakening and perhaps even destroying the effectiveness of the Atlantic Alliance. . . ." (p. 174) The thrust of his argument was that the U.S. should permit "selective" or "defensive proliferation" (p. 175 and p. 179). See also the testimony of Dr. Strausz-Hupe on p. 130-134. Arthur Larson rebutted the position of Congressman Findley (p. 233 and p. 239-240). The "defensive proliferation" issue is discussed below.

V. Defensive Proliferation.

A. During the course of the hearings on the NPT, witnesses criticized the NPT for not having preserved the option of transferring "purely defensive" nuclear weapons into the control of other nations, especially our allies. The most outspoken proponent of this view was Dr. Edward Teller. (See p. 184-187, 191, and 196.) He stressed that the most important right of a nation is the right to defend itself. He argued that if it were possible to develop "purely defensive" weapons, then transferring control over them to other nations for purposes of self-defense would serve the interests of peace (p. 184-185). Dr. Teller said he did not know whether it would be possible to develop a "purely defensive" weapon, but that "with diligent work there is an excellent chance that this can be accomplished" (p. 184).

Dr. Teller went on to say (p. 185-186):

"What I am looking for is defense in the hands of the person who defends himself, but given to him in such a way that it cannot be used for offense. . . . We can establish a defensive weapon. We can tie it to a nuclear warhead, and we can endow it with an electronics system which will permit this arrangement to explode only in a predetermined space which is clearly for the purpose of defense. . . . The difficulty lies elsewhere. We give this device. . . to a country Y, they take an X-ray, they analyze all this devilish machinery, . . . they take a screwdriver, they take it apart, lift out the nuclear explosive and they are then ready to go on with their own nefarious purpose of aggression. But we are more clever. We can make devices which will blow up if you X-ray it, and will certainly blow up if you take a screwdriver to it. I don't want to say that this problem is solved because I am claiming that we are clever, but in the end they may be more clever still."

Dr. Teller completed his testimony by suggesting that he was not against non-proliferation per se but felt that in approving the NPT, the Senate should attach a reservation which would preserve the option of defensive proliferation when and if feasible (p. 191 and 196).

B. Congressman Findley also criticized the NPT for failure to preserve the option of defensive proliferation (p. 174-179).

C. Since these witnesses testified following Messrs. Rusk, Foster, Nitze, Wheeler and Seaborg, the Administration did not have the opportunity to defend its position. However, during the hearings:

1. Senator Pastore made the point that if the day came when purely defensive weapons were developed, use could be made of the withdrawal clause in the NPT if necessary (p. 186). The treaty, of course, might also be amended.

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2. Arthur Larson made the same point on p. 240. Mr. Larson also criticized the concept of attaching any reservation to ratification (p. 240).

3. Congressman Holifield emphasized that domestic U.S. legislation has prohibited the transfer of nuclear weapons in any form since 1946 (p. 147 and 149, p. 159-161) and that the NPT merely confirms this policy.

Mr. Fisher testified before the House Foreign Affairs Committee on February 19, 1968 and specifically addressed the issue of "defensive proliferation" (see attached, especially p. 4, 8 and 9). Mr. Fisher noted the difficult technical problems in developing tamper proof defensive weapons and argued that, even if technically feasible, there would still be forceful reasons why transfer would be neither realistic nor politically wise. See also the testimony of Professor Willrich of U. Va. Law School citing such problems as effectiveness, cost, and the political issue of discrimination (p. 210-211).

VI. Adequacy of Article III Safeguards.

A. During the hearings, there was a good deal of discussion as to whether the International Atomic Energy Agency (IAEA) was in a position to fulfill adequately its safeguards responsibilities under Article III. Congressman Hosmer was particularly critical in his testimony (see p. 164 and 171).

B. General Wheeler stated (p. 63): ". . . /W/e believe these safeguards will be adequate for purposes of verification of this treaty."

C. The following colloquy took place between Senator Cooper and Messrs. Nitze and Wheeler (p. 90):

"Senator Cooper: . . . /H/as any question been raised about the adequacy of the safeguards of the IAEA. . . ?

"Mr. Nitze: No; we have not had a question about that. . . .

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"Senator Cooper: This is the view of your Department that they are adequate? General Wheeler, is this the opinion of the Joint Chiefs?

"General Wheeler: The Joints Chiefs of Staff view also is that they are adequate."

C. Chairman Seaborg presented a history of the development of the IAEA and its safeguards (p. 99). In response to a question from Senator Pastore, Dr. Seaborg gave the following response (p. 109):

"Senator Pastore: And, therefore, you believe, as Chairman of the Atomic Energy Commission, as a renowned scientist, that safeguards will be adopted that will be commensurate with the protection that we seek under the treaty?

"Dr. Seaborg: I do. I think that it is quite within the capability of the International Atomic Energy Agency to take on this responsibility. I am sure they will staff up to the required strength, and that they will discharge this responsibility effectively."

D. Congressman Holifield, Vice Chairman of the Joint Committee on Atomic Energy, gave his support to the IAEA (p. 149-150) and said (p. 150): "No one claims that we have a perfect systems of safeguards at this time. We have advanced a long way and we are advancing every day, and we will continue to advance in this field. . . ."

VII. Article III and IAEA-Euratom Relationship.

Secretary Rusk made the following statement as regards the IAEA-Euratom relationship which should result from Article III negotiations (p. 14):

"Now, as a matter of fact, the safeguards of the sort that are applied by Euratom are very similar to the safeguards applied by the International Atomic Energy Agency, and we see no special problem in meshing those safeguards, in relating them to each other, in such a way that there is

confidence in the nature of the safeguards, but that Euratom safeguards and the Euratom system of peaceful co-operation in the use of nuclear energy can proceed without interruption in the light of an agreement to be worked out between Euratom and the IAEA." See also the three U.S. "guiding principles" on p. 10.

VIII. Safeguards Costs under the NPT.

A. Congressman Hosmer raised the issue of how much it was going to cost the United States to pay for its share in the implementation of the safeguards in Article III (p. 165). He has been critical of the fact that estimates vary widely and has expressed the concern that the financial burden may be great (p. 280).

B. Chairman Seaborg stated (p. 101): "The IAEA's total expenditures for administering these safeguards pursuant to the treaty obviously will go up over the fairly modest amounts that the Agency spends at present. . . . We believe, however, that these costs will represent no more than a fraction of 1 percent of the cost of the electricity produced in nuclear power plants. . . . I cannot believe that we will find it difficult to find the necessary funds and an appropriate mechanism to cover the costs of safeguards against the intolerable risk of nuclear proliferation."

C. Congressman Holifield said (p. 152): ". . . I can say. . . that the element of cost should not enter into any type of weighted consideration of the adoption of this treaty."

D. The AEC submitted a memorandum on IAEA safeguards costs which appears at p. 153-155. See also Rusk-Fulbright letter of January 17, 1969 (Tab).

IX. U.S. Safeguards Offer of December 2, 1967.

Chairman Seaborg was questioned about the U.S. offer of December 2, 1967 that ". . . when such safeguards /i.e. Article III/ are applied under the Treaty, the United States will permit the International Atomic Energy Agency to apply its

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safeguards to all nuclear activities in the United States--excluding only those with direct national security significance." The AEC supplied a memorandum for the record explaining this offer (p. 110-111).

X. France and Communist China.

A. During the hearings, there was discussion as to the effect which the non-signature of France and Communist China might have upon the NPT.

B. Secretary Rusk addressed the issue twice, once in response to Senator Pastore (p. 18) and again in response to Senator Williams (p. 32-33). In the latter case, Secretary Rusk made the following points:

"Secretary Rusk: . . . I would have to say honestly that we think that the situation would be greatly improved if both Mainland China and France were to sign the treaty. . . . We must keep in mind two points. . . . One is that if you get an overwhelming majority of the world to sign the treaty, many of the potential customers will themselves have undertaken an obligation not to receive such weapons, even from those nuclear powers who have not signed the treaty.

"And secondly, the fact that two nuclear powers have not signed the treaty may not affect the possibility that some presently non-nuclear powers might develop the capability to proceed to nuclear weapons with their own knowledge and talents, without any direct assistance from any existing nuclear power. . . .

"There is another factor on which I speak with perhaps less absolute confidence, but it seems almost in the very nature of these weapons that those who have them understand the implications and are not interested in having a general spread of these weapons among other nations."

C. Congressman Holifield said in part (p. 150): "If a handful of nations including France, India and Red China refuse to sign this treaty and the rest of the nations of the world willingly commit themselves to its restrictions,

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it is by far a much better situation than if no restraints exist and all nations are free to proceed down the nuclear weapons path."

D. See also p. 239 of hearings.

E. Also on p. 200, it is pointed out that at the United Nations, the French Ambassador has said: "France, for its part, which will not sign the nonproliferation treaty, will behave in the future in this field exactly as the states adhering to the treaty."

XI. Article V and Peaceful Nuclear Explosion Services.

A. The most thorough examination of the history and meaning of Article V as well as an analysis of costs was provided in the testimony of Chairman Seaborg (p. 103-104).